KA / BG-GPO / 2515 / WPP-47 / 2009-2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೫	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಏಪ್ರಿಲ್ ೮, ೨೦೧೦ (ಚೈತ್ರ ೧೮, ಶಕ ವರ್ಷ ೧೯೩೨)	ಸಂಚಿಕೆ ೧೪

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 12 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 15ನೇ ಫೆಬ್ರವರಿ, 2010

2010ನೇ ಸಾಲಿನ ಜನವರಿ 14ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Legal Metrology Act, 2009 (No. 1 of 2010) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 14th January, 2010/Pausa 24, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 13th January, 2010 and is hereby published for general information:-

THE LEGAL METROLOGY ACT, 2009

(No. 1 OF 2010)

[13th January, 2010]

An Act establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matters connected therewith or incidental thereto.

BE it enacted by parliament in the Sixtieth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title and extent and commencement: (1) This Act may be called the Legal metrology Act, 2009

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions: In this Act, unless the context otherwise requires,

(a) "Controller" means the Controller of Legal Metrology appointed under section 14;

(b) "dealer" in relation to any weight or measure, means a person who, carries on directly or otherwise, the business of buying, selling supplying or distributing any such weight or measure, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration and includes a commission agent, an importer, a manufacturer, who sells, supplies distributes or otherwise delivers any weight or measure manufactured by him to any person other than a dealer;

(c) "Director" means the Director of Legal Metrology appointed under section 13;

(d) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(e) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(f) "label" means any written, marked, stamped, printed or graphic matter affixed to or appearing upon any pre-packaged commodity;

(g) "Legal Metrology" means that part of metrology which treats units of weighment and measurement, of methods of weighment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accurancy of the weighments and measurements;

(h) "legal metrology officer" means Additional Director, Additional Controller, Joint Director, Joint Controller, Deputy Director, Deputy Controller, Assistant Director, Assistant Controller and Inspector appointed under sections 13 and 14;

(i) "manufacturer" in relation to any weight or measure, means a person who

(i) manufactures weight or measure

(ii) manufactures one or more parts, and acquires other parts, of such weight or measure, and after assembling those parts, claims the end product to be a weight or measure manufactured by himself or itself, as the case may be,

(iii) does not manufacture any part of such weight or measure but assembles parts thereof manufactured by others and claims the end product to be a weight or measure manufactured by himself or itself, as the case may be.

(iv) puts, or causes to be put, his own mark on any complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself or it self, as the case may be;

(j) “notification” means a notification published in the Official Gazette;

(k) “”protection” means the utilization of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing whether individually or collectively;

(l) “pre-packaged commodity” means a commodity which without the purchaser being present is placed in package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity;

(m) “person” includes,-

(i) a Hindu undivided family,

(ii) every department or office,

(iii) every organization established or constituted by Government,

(iv) every local authority within the territory of India,

(v) a company, firm and association of individuals,

(vi) trust constituted under an Act,

(vii) every co-operative society, constituted under an Act,

(viii) every other society registered under the Societies Registration Act, 1860 (21 of 1860);

(n) “premises” includes-

(i) a place where any business, industry, production or transaction is carried on by a person, whether by himself or through an agent, by whatever name called, including the person who carries on the business in such premises,

(ii) a warehouse, godown or other place where any weight or measure or other goods are stored or exhibited,

(iii) a place where any books of account or other documents pertaining to any trade or transaction are kept,

(iv) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade,

(v) a vehicle or vessel or any other mobile device, with the help of which any transaction or business is carried on;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "repairer" means a person who repairs a weight or measure and includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standards established by or under this Act;

(q) "State Government" in relation to a Union territory, means the Administrator thereof;

(r) "sale" with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by instalments but does not include a mortage or hypothecation of or a charge or pledge on such weight, measure or other goods;

(s) "seal" means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;

(t) "stamp" means a mark, made by impressing, casting, engraving, etching branding, affixing pre-stressed paper seal or any other process in relation to, any weight or measure with a view to-

(i) certifying that such weight or measure conforms to the standard specified by or under this Act, or

(ii) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act, has been obliterated;

(u) "transaction" means,-

(i) any contract, whether for sale, purchase, exchange or any other purpose, or

(ii) any assessment of royalty, toll duty or other dues, or

(iii) the assessment of any work done, wages due or services rendered;

(v) "verification" with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure, with a view to ensuring that such weight or measure conforms to the standards established by or under this Act and also includes re-verification and calibration.

(w) "weight or measure" means a weight or measure specified by or under this Act and includes a weighing or measuring instrument.

3. Provisions of this Act to override provisions of any other law: The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

4. Units of weights and measures to be based on metric system: Every unit of weight or measure shall be in accordance with the metric system based on the international system of units.

5. Base unit of weights and measures: (1) The base unit of-

(i) length shall be the metre;

(ii) mass shall be the kilogram

(iii) time shall be the second;

(iv) electric current shall be the ampere;

(v) thermodynamic temperature shall be the Kelvin;

(vi) luminous intensity shall be the candela; and

(vii) amount of substance shall be the mole.

(2) The specifications of the base units mentioned in sub-section (1), derived units and other units shall be such as may be prescribed

6. Base unit of numeration: (1) The base unit of numeration shall be the unit of the international form of Indian numerals.

(2) Every numeration shall be made in accordance with the decimal system.

(3) The decimal multiples and sub-multiples of the numerals shall be of such denominations and be written in such manner as may be prescribed.

7. Standard units of weights and measures: (1) The base units of weights and measures specified in section 5 shall be the standard units of weights and measures.

(2) The base unit of numeration specified in section 6 shall be the standard unit of numeration.

(3) For the purpose of deriving the value of base, derived and other units mentioned in section 5, the Central Government shall prepare or cause to be prepared objects or equipments in such manner as may be prescribed.

(4) The physical characteristics, configuration, constructional details, materials,equipments, performance, tolerances, period of re-verification, methods or procedures of tests shall be such as may be prescribed.

8. Standard weight, measure or numeral: (1) Any weight or measure which conforms to the standard unit of such weight or measure and also conforms to such of the provisions of section 7 as are applicable to it shall be the standard weight or measure.

(2) Any numeral which conforms to the provisions of section 6 shall be the standard numeral.

(3) No weight, measure or numeral, other than the standard weight, measure or numeral, shall be used as a standard weight, measure or numeral.

(4) No weight or measure, shall be manufactured or imported unless it conforms to the standards of weight or measure specified under section 8:

Provided that provisions of this section shall not apply for manufacture done exclusively for export or for the purpose of any scientific investigation or research.

9. Reference, secondary and working standard: (1) The reference standards, secondary standards working standards of weights and measures shall be such as may be prescribed.

(2) Every reference standard, secondary standard and working standard shall be verified and stamped in such manner and after payment of such fee as may be prescribed.

(3) Every reference standard, secondary standard and working standard which is not verified and stamped in accordance with the provisions of sub-section (2) shall not be deemed to be a valid standard.

10. Use of weight or measure for particular purposes: Any transaction, dealing or contract in respect of any goods, class of goods or undertakings shall be made by such weight, measure or number as may be prescribed.

11. Prohibition of quotation, etc., otherwise than in terms of standard units of weight measure or numeration: (1) No person shall, in relation to any goods, things or service,-

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge or

(b) issue or exhibit any price list, invoice, cash memo or other document, or

(c) prepare or publish any advertisement, poster or other document, or

(d) indicate the net quantity of a pre-packaged commodity, or

(e) express in relation to any transaction or protection, any quantity or dimension,

otherwise than in accordance with the standard unit of weight, measure or numeration.

(2) The provisions of sub-section (1) shall not be applicable for export of any goods things or service.

12. Any custom, usage, etc., contrary to standard weight measure or numeration to be void: Any custom, usage, practice or method of whatever nature which permits a person to demand, receive or cause to be demanded or received, any quantity of article, thing or service in excess of or less than, the quantity specified by weight, measure or number in the contract or other agreement in relation to the said article, thing or service, shall be void.

CHAPTER III

APPOINTMENT AND POWERS OF DIRECTOR, CONTROLLER AND LEGAL METROLOGY OFFICERS

13. Appointment of Director legal metrology officers and other employees: (1) The Central Government may, by notification, appoint a Director of legal metrology, Additional Director, Joint Director,

Deputy Director, Assistant Director and other employees for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to inter-State trade and commerce.

(2) The qualifications of the Director and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed.

(3) The Director and every legal metrology officer, appointed under sub-section (1), shall exercise such powers and discharge such functions in respect of such local limits as the Central Government may, by notification, specify.

(4) Every legal metrology officer appointed under sub-section (1) shall exercise powers and discharge duties under the general superintendence, direction and control of the Director.

(5) The Director, the Controller and every legal metrology officer authorized to perform any duty by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(6) No. suit, prosecution or other legal proceeding shall lie against the Director, the Controller and legal metrology officer authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(7) The Central Government may, with the consent of the State Government and subject to such conditions, limitations and restrictions as it may specify in this behalf, delegate such of the powers of the Director under this Act as it may think fit to the Controller of legal metrology in the State, and such Controller may, if he is of opinion that it is necessary or expedient in the public interest so to do, delegate such of the powers delegated to him as he may think fit to any legal metrology officer and where any such delegation of powers is made by such Controller, the person to whom such powers are delegated shall exercise those powers in the same manner and with the same effect as if they had been conferred in him directly by this Act and not by way of delegation.

(8) Where any delegation of powers is made under sub-section (7), the powers so delegated shall be exercised under the general superintendence, direction and guidance of the Director.

14. Appointment of Controller, legal metrology officers and other employees: (1) The State Government may, by notification, appoint a Controller of legal metrology. Additional Controller, Joint Controller, Deputy Controller, Assistant Controller, Inspector and other employees for the State for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to intra State trade and commerce.

(2) The qualifications of the Controller and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed.

(3) The Controller and every legal metrology officer, appointed under sub-section (1), shall exercise such powers and discharge such functions in respect of such local limits as the State Government may, by notification specify.

(4) Every legal metrology officer appointed under sub-section (1) shall exercise and discharge the duties under the general superintendence, direction and control of the Controller.

15. Power of inspection seizure etc: (1) The Director, Controller or any legal metrology officer may, if he has any reason to believe whether from any information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any weight or measure or other goods in relation to which any trade and commerce has taken place or is intended to take place and in respect of which an offence punishable under this Act appears to have been, or is likely to be, committed are either kept or concealed in any premises or are in the course of transportation,-

(a) enter at any reasonable time into any such premises and search for and inspect any weight, measure or other goods in relation to which trade and commerce has taken place, or is intended to take place and any record, register or other document relating thereto;

(b) seize any weight, measure or other goods and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under this Act has been, or is likely to be, committed in the course of or in relation to any, trade and commerce.

(2) The Director, Controller or any legal metrology officer may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person having the custody of such weight or measure shall comply with such requisition.

(3) Where any goods seized under sub-section (1) are subject to speedy or natural decay, the Director, Controller or legal metrology officer may dispose of such goods in such manner as may be prescribed.

(4) Every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, (2 of 1974) relating to searches and seizures.

16. Forfeiture: (1) Every non-standard or unverified weight or measure, and every package made in contravention of section 18, used in the course, of or in relation to, any trade and commerce and seized under section 15, shall be liable to be forfeited to the State Government.

Provided that such unverified weight or measure shall not be forfeited to the State Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.

(2) Every weight measure or other goods seized under section 15 but not forfeited under sub-section (1), shall be disposed of by such authority and in such manner as may be prescribed.

17. Manufactures, etc to maintain records and registers: (1) Every manufacture, repairer or dealer of weight or measure shall maintain such records and registers as may be prescribed.

(2) The records and registers maintained under sub-section (1) shall be produced at the time of inspection to the persons authorised for the said purpose under sub-section (1) of section 15.

18. Declarations on prepackaged commodities: (1) No person shall manufacture, pack, sell import distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed.

(2) Any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package in such form and manner as may be prescribed.

19. Registration for importer of weight or measure: No person shall import any weight or measure unless he is registered with the Director in such manner and on payment of such fees, as may be prescribed.

20. Non-standard weights and measures not to be imported: No weight or measure, whether singly or as a part or component of any machine shall be imported unless it conforms to the standards of weight or measure established by or under this Act.

21. Training in Legal Metrology: (1) For imparting training in Legal Metrology and other allied branches of knowledge the “Indian Institute of Legal Metrology” (hereinafter referred to as the “Institute”) established under the provisions of the Standards of Weight and Measures Act, 1976 (60 of 1976) shall be deemed to have been established under the corresponding provisions of this Act.

(2) The management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto shall be such as may be prescribed.

22. Approval of model: Every person before manufacturing or importing any weight or measure shall seek the approval of model of such weight or measure in such manner, on payment of such fee and from such authority as may be prescribed.

Provided that such approval of model may not be required in respect of any cast iron, brass, bullion, or carat weight or any beam scale, length measures (not being measuring tapes) which are ordinarily used in retail trade for measuring textiles or timber, capacity measures, not exceeding twenty litre in capacity which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors:

Provided further that the prescribed authority may, if he is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this Act, approve such model without any test or after such test as he may deem fit.

23. Prohibition on manufacture repair or sale of weight or measure without licence: (1) No person shall manufacture, repair or sell, or offer, expose or possess for repair or sale, any weight or measure unless he holds a licence issued by the Controller under sub-section (2);

Provided that no licence to repair shall be required by a manufacturer for repair of his own weight or measure in a state other than the State of manufacture of the same.

(2) For the purpose of sub-section (1), the Controller shall issue a licence in such form and manner, on such conditions, for such period and such area of jurisdiction and on payment of such fee as may be prescribed.

CHAPTER IV

VERIFICATION AND STAMPING OF WEIGHT OR MEASURE

24. Verification and stamping of weight or measure: (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended or is likely to be, used by him in any transaction or for protection, shall, before putting such weight or measure into such use. Have such weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf, on payment of such fees as may be prescribed.

(2) The Central Government may prescribed the kinds of weights and measures for which the verification is to be done through the Government approved Test Centre.

(3) The Government approved Test Centre shall be notified by the Central Government or the State Government, as the case may be, in such manner, on such terms and conditions and on payment of such fee as may be prescribed.

(4) The Government approved Test Centre shall appoint or engage persons having such qualifications and experience and collect such fee on such terms and conditions for the verification of weights and measures specified under sub-section (2) as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

25. Penalty for use of non-standard weight or measure: Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months stand also with fine.

26. Penalty for alteration of weight and measure: Whoever tampers with, or alters in any way, any reference standard, secondary standard or working standard or increases or decreases or alters any

weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with fine which may extend to fifty thousand rupees and for the second and subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to one year or with fine or with both.

27. Penalty for manufacture or sale of non-standard weight or measure: Every person who manufactures or causes to be manufactured or sells or offers exposes or possesses for sale, any weight or measure which-

(a) does not conform to the standards of weight or measure specified by or under this Act; or

(b) which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight, measure or numeration specified by or under this Act. Except where he is permitted to do so under this Act, shall be punished with a fine which may extend to twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both.

28. Penalty for making any transaction deal or contract in contravention of the prescribed standards: Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

29. Penalty for quoting or publishing etc., of non-standard units: Whoever violates section 11 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine or with both.

30. Penalty for transactions in contravention of standard weight or measure: Whoever-

(a) in selling any article or thing by weight measure or number, delivers or causes to be delivered to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for ;or

(b) in rendering any Service by weight, measure or number, renders that service less than the service contracted for or paid for ; or

(c) in buying any article or thing by weight, measure or number, fraudulently receives, or causes to be received any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for ; or

(d) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for.

shall be punished with fine which may extend to ten thousand rupees, and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

31. Penalty for non-production of documents etc: Whoever, being required by or under this Act or the rules made thereunder to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

32. Penalty for failure to get model approved: Whoever fails or omits to submit model of any weight or measure for approval, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

33. Penalty for use of unverified weight or measure: Whoever , sells distributes, delivers or otherwise transfers or uses any unverified weight or measure shall be punished with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

34. Penalty for sale or delivery of commodities etc., by non-standard weight or measure: Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity article or thing by any means other than the standard weight or measure or number, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

35. Penalty for rendering services by non-standard weight measure or number: Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight measure or number other than the standard weight or measure, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine or with both.

36. Penalty for selling etc., of non-standard packages: (1)Whoever manufactures, packs, imports sells distributes, delivers or otherwise transfers offers, exposes or possesses for sale, or causes to be sold, distributed, delivered or otherwise transferred, offered, exposed for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in this Act, shall be punished with fine which may extend to twenty-five thousand rupees, for the second offence, with fine

which may extend to fifty thousand rupees and for the subsequent offence, with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both.

(2) Whoever manufactures or packs or imports or causes to be manufactured or packed or imported, any pre-packaged commodity, with error in net quantity as may be prescribed shall be punished with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees and for the second and subsequent offence, with fine which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both.

37. Penalty for contravention by Government approved Test Centre: (1) Where any Government approved Test Centre contravenes any of the provisions of this Act or the rules made thereunder, or the conditions of the licence, it shall be punished with fine which may extend to one lakh rupees.

(2) Where any owner or employee of a Government Approved Test Centre performing duties in accordance with the provisions of this Act or the rules made thereunder, willfully verifies or stamps any weight or measure in contravention of the provisions of this Act or the rules made thereunder, he shall for every such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

38. Penalty for non-registration by importer of weight or measure: Whoever imports any weight or measure without being registered under this Act shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine, or with both.

39. Penalty for import of non-standard weight or measure : Whoever imports any non-standard weight or measure shall be punished with fine, which may extend to fifty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

40. Penalty for obstructing Director, Controller or legal metrology officer: Whoever obstructs the Director, the Controller or any legal metrology officer with intent to prevent or deter the Director or the Controller or any legal metrology officer from exercising his powers or discharging his functions, or in consequence of anything done or attempted to be done by the Director or the Controller or any legal metrology officer in the lawful exercise of his powers or discharge of his functions as such, or whoever obstructs the entry of the Director or the Controller or any legal metrology officer into any premises for inspection and verification of any weight or measure or any document or record relating thereto or the net contents of any packaged commodity or for any other purpose shall be punished with imprisonment for a term which may extend to two years and for the second or subsequent offence, with imprisonment for a term which may extend to five years.

41. Penalty for giving false information or false return: (1) Whoever gives any information to the Director, the Controller or any legal metrology officer, which he may require or ask for in the course of his duty, and which such person either knowns or has reason to believe to be false, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to six months and also with fine.

(2) Whoever, being required by or under this Act so to, do, submits a return or maintains any record or register which is false in material particulars, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

42. Vexatious search: The Director, the Controller or any legal metrology officer, exercising powers under this Act or any rule made thereunder, who knows that there are no reasonable grounds for so doing, and yet-

(a) searches, or causes to be searched any house, conveyance or place; or

(b) searches any person; or

(c) seizes any weight, measure or other movable property;

shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

43. Penalty for verification in contravention of Act and rules: Where the Controller or any legal metrology officer exercising powers under this Act or any rule made thereunder, willfully verifies or stamps any weight or measure, in contravention of the provisions of this Act or of any rule made thereunder, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

44. Penalty for counterfeiting of seals, etc: (1) Whoever-

(i) counterfeits any seal specified by or under this Act or the rules made thereunder, or

(ii) sells or otherwise disposes of any counterfeit seal, or

(iii) possesses any counterfeit seal, or

(iv) counterfeits or removes or tampers with any stamp, specified by or under this Act or rules made thereunder, or

(v) affixes the stamp so removed on, or inserts the same into, any other weight or measure,

shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

Explanation:- In this sub-section, "counterfeit" shall have the meaning assigned to it in section 28 (45 of 1860) of the Indian Penal Code.

(2) Whoever obtains, by unlawful means, any seal specified by or under this Act or the rules made thereunder and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the rules made thereunder shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the rules made thereunder, uses, or causes to be used, such seal without any lawful authority for such use, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

(4) Whoever sells or offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

45. Penalty for manufacture of weight and measure without licence: Whoever, being required to obtain a licence this Act or the rules made thereunder, manufactures, without being in possession of a valid licence, any weight or measure, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine or with both.

46. Penalty for repair, sale, etc, of weight and measure without licence: Whoever, being required to obtain a licence under this Act or the rules made thereunder repairs or sells or offers, exposes or possesses for repair or sale, any weight or measure, without being in possession of a valid licence, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

47. Penalty for tampering with licence: Whoever alters or otherwise tampers, with any licence issued or renewed under this Act or rules made thereunder, otherwise than in accordance with any authorization made by the Controller in this behalf, shall be punished with fine which may extend to twentythousand rupees, or with imprisonment for a term which may extend to one year or with both.

48. Compounding of offences: (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47 or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

(2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.

(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47 and any rule made under sub-section (3) of section 52;

Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

(4) Nothing in sub-section (1) shall apply to person who commits the same or similar offence, within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation: For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(5) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded.

(6) No offence under this Act shall be compounded except as provided by this section.

49. Offences by companies and power of court to publish name, place of business, etc., for companies convicted: (1) Where an offence under this Act has been committed by a company;

(a) (i) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereinafter in this section referred to as a person responsible) or

(ii) where no person has been nominated, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company; and

(b) the company,

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Any company may, by order in writing, authorize any of its directors to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Director or the concerned Controller or any legal metrology officer authorised in this behalf by such Controller (hereinafter in this section referred to as the authorised officer) in such form and in such manner as may be prescribed, that it has nominated such Director as the person responsible, along with the written consent of such director for being so nominated.

Explanation:- Where a company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this sub-section in relation to different establishment or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit,

(3) The person nominated under sub-section (2) shall, until-

(i) further notice cancelling such nomination is received from the company by the Director or the concerned Controller or the authorised officer; or

(ii) he ceases to be a director of the company; or

(iii) he makes a request in writing to the Director or the concerned Controller or the legal metrology officer under intimation to the company, to cancel the nomination which request shall be complied with by the Director or the concerned Controller or the legal metrology officer,

whichever is the earliest, continue to be the person responsible;

Provided that where such person ceases to be a director of the company, he shall intimate the fact of such cessation to the Director or the concerned Controller or the authorised officer;

Provided further that where such person makes a request under clause (iii) the Director or the concerned Controller or the authorised officer shall not cancel such nomination with effect from a date earlier than the date on which the request is made.

(4) Notwithstanding anything contained in the foregoing sub-section, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to the neglect on the part, of any director, manager, secretary or other officer, not being a person nominated under sub-section (2), such director manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspaper or in such other manner as the court may direct.

(6) No publication under sub-section (5) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(7) The expenses of any publication under sub-section (5) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation:- For the purposes of this section,

(a) “company” means any body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm, means a partner in the firm but excludes nominated directors, honorary directors, Government nominated directors.

50. Appeals: (1) Subject to the provisions of sub-section (2), an appeal shall lie,-

(a) from every decision or order under sections 15 to 20, section 22, section 25, sections 27 to 39, section 41 or any rule made under sub-section (3) of section 52 by the legal metrology officer appointed under section 13, to the Director;

(b) from every decision or order made by the Director of Legal Metrology under sections 15 to 20, section 22, section 25, section 27 to 39, section 41 or any rule made under sub-section (3) of section 52, to the Central Government or any officer specially authorised in this behalf by that Government.

(c) from every decision given by the Controller of Legal Metrology under delegated powers of Director Legal Metrology to the Central Government.

(d) from every decision given or order made under sections 15 to 18, sections 23 to 25, sections 27 to 37, sections 45 to 47 or any rule made under sub-section (3) of section 52 by any legal metrology officer appointed under section 14, to the Controller; and

(e) from every decision given or order made by the Controller under sections 15 to 18, sections 23 to 25 sections 27 to 37, sections 45 to 47 or any rule made under sub-section (3) of section 52 not being an order made in appeal under clause (d), to the State Government or any officer specially authorised in this behalf by that Government.

(2) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made;

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal, a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision or order appealed against or may send back the case with such direction as it may think fit for a fresh decision or order after taking additional evidence, if necessary-

(4) Every appeal shall be preferred on payment of such fees, as may be prescribed.

(5) The Central Government or the State Government, as the case may be, may on its own motion or otherwise, call for and examine the record of any proceeding including a proceeding in appeal in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders thereon as it may think fit;

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

51. Provisions of Indian Penal Code and Code of Criminal Procedure not to apply: The provisions of the Indian Penal Code and section 153 (45 of 1860) of the Code of Criminal Procedure, 1973 (2 of 1974) in so far as such provisions relate to offences with regard to weight or measure, shall not apply to any offence which is punishable under this Act.

52. Power of the Central Government to make rules: (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the specification of the base units of measures and base unit of mass under sub-section (@) (2) of section 5;

(b) the manner of preparation of objects and equipments under sub-section (3) of section 7;

(c) physical characteristics, configuration, constructional details, materials equipment, performance, tolerances, period of re-verification, methods or procedures of tests under sub-section (4) of section 7;

(d) reference standards, secondary standards and working standards of weights and measures under sub-section (1) of section 9';

(e) reference standards, secondary standards and working standards shall be verified and stamped and the fee under sub-section (2) of section 9;

(f) the weight or measure or number in which any transaction, dealing or contract in respect of any goods, class of goods or undertakings shall be made under section 10;

(g) the qualifications of the Director and legal metrology officers under sub-section (2) of section 13;

(h) the qualification of the Controller and legal metrology officers under sub-section (2) of section 14;

(i) the manner of disposal of goods under sub-section (3) of section 15;

(j) the standard quantities or number and the manner in which the packages shall bear the declarations and the particulars under sub-section (1) of section 18;

(k) the manner and registration and the fee under section 19;

(l) the management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto under sub-section (2) of section 21;

(m) the manner, fee and authority for approval of models under section 22;

(n) the kinds of weights or measures under sub-section (2) of section 24;

(o) the manner in which terms and conditions on which and fee on payment which the central Government shall notify the Government approved Test Centre under sub-section (3) of section 24;

(p) the qualifications and experience of persons appointed or engaged and the fee and terms and conditions on which Government approved Test Centre shall verify the weight or measure under sub-section (4) of section 24;

(q) the error in net quantity under sub-section (2) of section 36;

(r) fee for compounding of offence under sub-section (1) of section 48;

(s) form and manner in which notice to the Director or the Controller or any other officer authorised by him shall be given under sub-section (2) of section 49.

(3) In making any rule under this section, the Central Government may be provided that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

53. Power of State Government to make rules : (1) The State Government may,. By notification, and after consultation with the Central Government make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the time within which the weight or measure may be got verified under proviso to sub-section(1) of section 16;

(b) registers and records to be maintained by persons referred to under sub-section (1) of section 17;

(c) the form, manner, conditions, period, area of jurisdiction and fees for issuance of licence under sub-section (2) of section 23;

(d) fee for verification and stamping of any weight or measure under sub-section (1) of section 24;

(e) manner of notifying Government approved Test Centre, terms and conditions and fee to be paid under sub-section (2) of section 24;

(f) fee for compounding of offences under sub-section (1) of section 48.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in Official Gazette;

(5) Every rule made under this section shall, as soon as may be after it is made, be laid before each Houses of State Legislature, where there are two Houses and where there is one Houses of State Legislature, before that Houses.

54. Delegation of Powers: (1) The Central Government may, in consultation with the State government and by notification, direct that any power exercisable by it under this Act or any rule made there-under, not being a power conferred by section 50 relating to appeal or section 52 relating to power to make rules, in relation to such mattes and subject to such conditions as may be specified, may be exercised also by such officer subordinate to it as may be specified in the notification.

(2) Subject to any general or special direction or condition imposed by the State Government, any person authorised by the Central Government to exercise any powers may exercise those powers in the same manner and to the same extent as if they had been conferred on that person directly by this Act and not by way of delegation.

55. Act not to apply in certain cases: The provisions of this Act, in so far as they relate to verification and stamping of weight and measures, shall not apply to any weight or measure-

(a) used in any factory exclusively engaged in the manufacture of any arms, ammunition or both, for the use of the Armed Forces of the Union;

(b) used for scientific investigation or for research;

(c) manufactured exclusively for export.

56. Existing Director, Controller and legal metrology officer not to be affected by the new qualification to be prescribed: (1) Every Director, Controller and legal metrology officer appointed immediately before the commencement of the rules made under this Act, shall be deemed to have been

appointed under sub-section (1) of sections 13 and 14 notwithstanding any rule prescribing different qualifications.

(2) The rules made by a State Government under the Standards of Weights and Measures (Enforcement) Act, 1985 (54 of 1985) which are in force immediately before the commencement of this Act shall remain in force until the State Government, makes rules in that behalf

57. Repeal of the Standards of weights and Measures Act, 1976 and Standards of Weights and Measures (Enforcement) Act, 1985: (1) The Standards of weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Enforcement) Act, 1985, (54 of 1985) is hereby repealed.

(2) Without prejudice to the provisions contained in the General Clauses, Act, 1897 (10 of 1897) with respect to repeals, any notification, rule or order made under the Standards of weights and Measures Act, 1976, (60 of 1976) and the Standards of Weights and Measures (Enforcement) Act, 1985) (54 of 1985), shall if in force, at the commencement of this Act, continue to be in force and have effect as if it was made under the corresponding provision of this Act.

(3) Notwithstanding such repeal, any appointment, notification, rule, order, registration licence, certificate, notice, decision, approval, authorisation or consent made, issued or given under such law shall, if in force at the commencement of this Act, continue to be in force and have effect as if it were made, issued or given under the corresponding provisions of this Act.

V.K. BHASIN

Secy to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 13

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 2 ಕೇನಿಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 16ನೇ ಫೆಬ್ರವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 9 ಮತ್ತು ಡಿಸೆಂಬರ್ 30ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i) ಮತ್ತು 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 877 (E) (ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ F.No. A-11014/8/2009-AT ದಿನಾಂಕ: 9.12.2009 ಮತ್ತು S.O.3313(E) (ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ F.No. 1/1/2007-Judl. Cell-Vol.VI ದಿನಾಂಕ:30.12.2009)ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

NOTIFICATION

New Delhi, the 9th December, 2009

G.S.R. 877 (E): In exercise of the powers conferred by sub section (1), read with clause (c) of the sub-section (2) of section 35 and section 36 A of the Administrative Tribunal Act, 1985 (13 of 1985), the Central Government hereby makes the following rules further to amend the Karnataka Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 1986 namely:-

1. (1) These rules may be called the Karnataka Administrative Tribunal (Salaries and Allowances and Conditions of service of Chairman, Vice-Chairmen and Members) Amendment Rules, 2009.

(2) These shall be applicable to the Chairman, Vice-Chairmen and Members of the Karnataka Administrative Tribunal appointed before the 19th February, 2007.

2. In rule 8 of the Karnataka Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 1986 in sub-rule (2) for the words "rupees seven thousand seventy four per annum" the words "rupees fourteen thousand five hundred and thirty two per annum" shall be substituted with effect from the 1st day of January, 2006.

[F.No. A-11014/8/2009-AT]

C.B. PALIWAL, Jt. Secy

Explanatory Memorandum:

With a view to implement the recommendations of the Sixth Pay Commission regarding Central Government employees, pension, the Central Government has decided to revise the pension of the Chairman, Vice-Chairmen and Members of the Karnataka Administrative Tribunal who were appointed before the 19th February 2007 with effect from the 1st day of January, 2006 Accordingly, the Karnataka Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1986 are being amended with retrospective effect from the 1st day of January, 2006.

2. It is certified that no Chairman, Vice-Chairman and Member of the Karnataka Administrative Tribunal is likely to be affected by the proposed amendment being given retrospective effect.

Foot Note:- The Principal rules were published vide notification No.G.S.R. 1092 (E), dated th 17th September, 1986 and subsequently amended vide notifications No.

1. G.S.R. 424. (E) dated the 4th April, 1988
2. G.S.R. 1049 (E) dated the 13th December, 1989
3. G.S.R. 520 (E) dated the 13th November, 1996,
4. G.S.R. 86 (E) dated the 3rd February, 2000
5. G.S.R. 320 (E) dated the 6th April 2000
6. G.S.R. 78 (E) dated the 8th February, 2001
7. G.S.R. 671 (E) dated the 18th October, 2007

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 30th December, 2009

S.O. 3313(E) : In exercise of the powers conferred by sub-section (2) of Section 1 of the Code of Criminal Procedure (Amendment) Act, 2008 (5 of 2009), the Central Government hereby appoints the 31st day of December, 2009, as the date on which the provisions of the said Act, except Section 5, Section 6 and clause (b) of Section 21, shall come into force.

[F.NO.1.1.2007-Judl. Cell-Vol. VI]

S.C. SRIVASTAVA, Jt. Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 15

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

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ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 3 ಕೇನಿಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 24ನೇ ಫೆಬ್ರವರಿ, 2010

2010ನೇ ಸಾಲಿನ ಜನವರಿ 18ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 101(E) (Notification No. F.No. S-37012/1/2008-SS.I Vol. II Dated:18.1.2010) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LABOUR AND EMPLOYMENT
NOTIFICATION
New Delhi, the 18th January, 2010

S.O. 101(E): In exercise of the powers conferred by sub section (2), of Section 1 of the Workmen's Compensation (Amendment) Act, 2009 (45 of 2009), the Central Government hereby appoints the 18th day of January, 2010, as the date on which the said Act shall come into force.

[F.No. S-37012/1/2008-SS.I.Vol. II]
S.K. SRIVASTAVA, Addl. Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 16

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 5 ಕೇನಿಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20ನೇ ಮಾರ್ಚ್ , 2010

2010ನೇ ಸಾಲಿನ ಫೆಬ್ರವರಿ 3ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 240 (E) (Notification No. 08/2010/F.No. 164/03/2008-ITA-I dated 3.2.2010) ಮತ್ತು S.O. 241 (E) (Notification No. 07/2010/F.No. 178/126/2009-ITA-I dated 3.2.2010) ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION
New Delhi, the 3rd February, 2010
(Income-tax)

S.O. 240(E): In exercise of the powers conferred by clause (48) of section 2 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby specifies the following particulars of zero coupon bond for the purposes of the said clause namely:

(a)	name of the bond	: Bhavishya Nirman Bond (a ten year zero coupon bond) of National Bank of Agriculture and Rural Development (NABARD)
(b)	period of life of the bond	: ten years
(c)	the time schedule of the Issue of bond	: to be issued on or before the 31st day of March, 2011;
(d)	the amount to be paid on maturity or redemption of the bond	: twenty thousand rupees for each bond
(e)	the discount	: to be decided by NABARD at the time of issue of the bond; and
(f)	the number of bonds to be issued	: Ninety-five lakhs and twenty thousand

2. This notification is subject to the fulfillment of conditions referred to in clause (ii) clause (iii) and clause (v) of sub-rule (3) and sub-rule (6) of rule 8B of the Income-tax Rules, 1962.

[Notification No. 08/2010/F.No. 164/03/2008-ITA-I]
PADAM SINGH, Under Secy.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION
New, Delhi, the 3rd February, 2010
(INCOME TAX)

S.O. 241 (E): In exercise of the powers conferred by item (h) of sub-clause (iv) of clause (15) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorizes Indian Railway Finance Corporation (IRFC) to issue, during Financial Year 2009-10 tax free secured redeemable, non-convertible Railway Bonds of Rs. 1,000 each in case of public issue and Rs. 1,00,000 each in other cases, aggregating an amount of five thousand crore rupees only, carrying an interest rate in the range of 6.50% to 7.25% per annum, depending upon the size and tenor of a tranche;

Provided that the benefit under the said item shall be admissible only if the holder of such bonds registers his or her name and the holding with the said Corporation

[Notification No. 07.2010/F.No. 178/126/2009-ITA-I]

PADAM SINGH, Under Secy. (ITA-I)

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 17

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 6 ಕೇನಿಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 26ನೇ ಮಾರ್ಚ್, 2010

2010ನೇ ಸಾಲಿನ ಫೆಬ್ರವರಿ 19ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 427(E) (Notification No. F.No. 1-13/2009-EE-4 dated 19.02.2010) ಮತ್ತು S.O. 428(E) (Notification No. F.No. 1-13/2009-EE-4 dated 16.02.2010) ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of School Education and Literacy)
NOTIFICATION
New Delhi, the 16th February, 2010

S.O. 427(E): In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Eighty-sixth Amendment) Act, 2002, the Central Government hereby appoints the 1st day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F.No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.

NOTIFICATION
New Delhi, the 16th February 2010

S.O. 428(E).- In exercise of the powers conferred by sub-section (3) of section 1 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby appoints the 1st day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F.No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 18

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.